

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Kevin Denbow

v.

Civil No. 14-cv-297-JD

New Hampshire State Prison et al.¹


REPORT AND RECOMMENDATION

In an Order issued this date, the Court has granted Plaintiff Kevin Denbow's motion to vacate the July 23, 2014, Order (doc. no. 8) granting him in forma pauperis ("IFP") status. For the reasons set forth in that Order, the Court recommends that the IFP motion (doc. no. 4) be denied as moot, and that the Court dismiss all claims asserted in this action, without prejudice, because Denbow has notified the Court that he intends to dismiss this action voluntarily prior to service. Cf. Fed. R. Civ. P. 41(a)(1).

Accordingly, the District Judge should deny the IFP motion (doc. no. 4) as moot, and should dismiss this action in its

¹Denbow names the following Defendants: the New Hampshire State Prison ("NHSP") Warden Richard Gerry; NHSP Medical and Forensic Services Division Director Helen Hanks; the NHSP Secure Psychiatric Unit ("SPU"); SPU Administrator Kevin Stevenson; Dr. Daniel Potenza; Dr. Paul Brown; Nurse Practitioner Jack Gavin; NHSP Capt. Paul Cascia; SPU Clinical Social Worker Eric Stanley; and unnamed members of Denbow's NHSP treatment team, identified in the docket as John/Jane Does.

entirety, without prejudice. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the District Court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).


Andrea K. Johnstone
United States Magistrate Judge

September 29, 2014

cc: Kevin Denbow, pro se